CITY COUNCIL OF ALEXANDRIA, VIRGINIA

REGULAR MEETING
Tuesday, January 24, 2012
7:00 p.m.

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia R. Hughes, K. Rob Krupicka and Redella S. Pepper.

Absent: Councilman Paul C. Smedberg.

Also Present: Mr. Young, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Police Captain Ogden; Mr. Baier, Director, Transportation and Environmental Services; Mr. Grover, Transportation and Environmental Services; Mr. Lambert, Transportation and Environmental Services; Mr. Skrabak, Department of Environmental Quality; Mr. Weaver, Transportation and Environmental Services; Mr. Caton, Legislative Director; Mr. Trobridge, Director, Office of Information Technology; Mr. Johnson, Chief of Staff, City Manager's Office; Dr. Haering, Director, Health Department; Mr. McPike, Director, General Services; Mr. Castrilli, Director, Office of Communications; Mr. Jankowski, Director, Real Estate Assessments; Mr. Page, Deputy Director, Real Estate Assessments; Mr. Martinez, ITS; Ms. Bryan, ITS; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council.

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll. All the members of Council were present, with the exception of Councilman Smedberg, who was absent.

2. Moment of Silence and Pledge of Allegiance.

City Council observed a moment of silence and recited the Pledge of Allegiance.

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None.

PROCLAMATIONS

3. Presentation of the Digital Cities Award by Government Technology Magazine.

City Council received the third place award on behalf of the Department of Information Technology presented by the Government Technology Magazine and the Center for Digital Government.

4. Presentation of the Daniel Roberts Excellence in Public Archaeology Award by the Society for Historical Archaeology.

City Council received the award on behalf of the Archaeology Commission and Department.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (5-10)

(Resignations and Uncontested Appointments)

5. Receipt of the Following Resignations from Members of Boards, Commissions and Committees:

(a) Commission for the Arts
Richard Fowler

(b) Commission on Information Technology
Daniel Brooks

(c) Historic Alexandria Resources Commission
Frances Burke

(d) Human Rights Commission
Collette Harrell

(e) Industrial Development Authority
Lauren Garcia

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 5 (a-e); 1/24/12, and is incorporated as part of this record by reference.)

6. Uncontested Appointments to Boards, Commissions and Committees:

(a) Alexandria-Caen Sister City Committee
1 Citizen Member

(b) Commission on HIV/AIDS
1 Citizen Member

(c) Community Services Board
1 Citizen Member

(d) Economic Opportunities Commission
1 Public Sector Representative

(e) Historic Alexandria Resources Commission
1 Member at Large From Planning District III

(f) Local Emergency Planning Committee
1 Representative of a Community Group

(g) Potomac Yard Design Advisory Committee
1 Member Representing the Potomac Yard Area

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 6 (a-g); 1/24/12, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

7. Consideration of Authorization of Recommended Capital Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated January 18, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 1/24/12, and is incorporated as part of this record by reference.)

8. Consideration of a Grant Application by the Department of Community and Human Services for a One-Time Block Grant Award by the DBHDS to Strengthen Mental Health and Substance Abuse Treatment for Adults.

(A copy of the City Manager's memorandum dated January 11, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 1/24/12, and is incorporated as part of this record by reference.)

9. Consideration of Acceptance of a Funding Allocation from the National Capital Region, Urban Area Security Initiative for Police Department Emergency Notification Equipment and for Fire Department Digital Vehicular Repeater Systems to Enhance In-Building Coverage by the City's Public Safety Radio System.

(A copy of the City Manager's memorandum dated January 17, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 1/24/12, and is incorporated as part of this record by reference.)

10. Consideration of Acceptance of Grant Funds from the National Capital Region, Urban Security Initiative to Support City Involvement in Regional Emergency Management Exercises, Volunteer Recruitment and Training and National Incident Management Compliance.

(A copy of the City Manager's memorandum dated January 17, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 1/24/12, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Hughes and carried unanimously, City Council approved the consent calendar. The City Manager's recommendations were as follows:

5. City Council accepted the following resignations with regret: (a) Richard Fowler, Commission for the Arts; (b) Daniel Brooks, Commission on Information Technology; (c) Frances Burke, Historic Alexandria Resources Commission; (d) Collette Harrell, Human Rights Commission; and (e) Lauren Garcia, Industrial Development Authority.

6. City Council made the following appointments to boards and commissions: (a) reappointed Nicholas Kuhn as the one citizen member to the Alexandria-Caen Sister City Committee; (b) appointed Julia Baker as the one citizen member to the Commission on HIV/AIDS; (c) appointed Jan Inscore-Boswell as the one citizen member to the Community Services Board; (d) appointed Adam Ebbin as the one public sector representative to the Economic Opportunities Commission; (e) appointed Travis Anderson as the one member at large from Planning District III to the Historic Alexandria Resources Commission; (f) appointed Karen Helbrecht as the one representative of a community group to the Local Emergency Planning Committee; and (g) reappointed Christopher Bellanca as the one member representing the Potomac Yard area to the Potomac Yard Design Advisory Committee.

7. City Council authorized $267,000 for capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Program (CIP) expenditure summary.

8. City Council: 1. authorized the submission of the grant application, not to exceed $50,000; and 2. authorized the City Manager to execute all the necessary documents that may be required.

9. City Council: 1. authorized the City Manager to accept the funding through the Urban Area Security Initiative in the amount of $77,250; and 2. authorized the City Manager to execute all the necessary documents that may be required.

10. City Council: 1. authorized the City Manager to accept the funding from the Urban Area Security Initiative in the amount of $280,184; and 2. authorized the City Manager to execute all the necessary documents that may be required.

The voting on the motion was as follows:

Krupicka	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	absent	

CONTESTED APPOINTMENTS

11. Park and Recreation Commission
1 Member From Planning District III

(The following persons volunteered for appointment to the above Commission)

NAME: ENDORSED BY

John Baker
Robert Brian McPherson

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 1/24/12, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council appointed Robert Brian McPherson as the one member from Planning District III to the Park and Recreation Commission. The voting was as follows:

Euille	-	McPherson
Donley	-	McPherson
Fannon	-	McPherson
Hughes	-	McPherson
Krupicka	-	McPherson
Pepper	-	McPherson
Smedberg	-	absent

12. Sanitation Authority
1 Citizen Member

(The following persons volunteered for appointment to the above Commission)

NAME: ENDORSED BY

John Hill
Laurence Smallman

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 1/24/12, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council appointed John Hill as the one citizen member to the Sanitation Authority. The voting was as follows:

Euille	-	Hill
Donley	-	Hill
Fannon	-	Hill
Hughes	-	Smallman
Krupicka	-	Hill
Pepper	-	Hill
Smedberg	-	absent

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION (45 min.)

13. Receipt of Report on Items Before the 2012 Virginia General Assembly. **(Staff Presentation).**

(A copy of the City Manager's memorandum dated January 23, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 1/24/12, and is incorporated as part of this record by reference.)

Mr. Caton, Legislative Director, made a presentation of the report of the Virginia General Assembly and responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Krupicka and carried unanimously, City Council: 1. approved the legislative positions included in attachment 1 (recommended positions on bills of importance to the City) as recommended by City Council's Legislative Subcommittee (Vice Mayor Donley and Councilman Smedberg); 2. opposed proposals by the Governor to transfer general fund revenues, which are traditionally used for core programs that have little or no dedicated funds (such as education, mental health, and public safety) to the transportation budget, which is funded primarily by motor fuel, motor vehicle sales tax and the special sales tax created for transportation in 1986; and 3. supposed amendments to the Governor's proposed budget that will address reductions to City programs listed in attachment 2 (proposed budget reductions affecting City programs) as also recommended by City Council's Legislative Subcommittee. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Krupicka	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	absent	

14. Consideration of a New Waste Disposal Service Agreement for the Waste-to-Energy Facility (5301 Eisenhower Avenue) Among the City of Alexandria, Arlington County and Covanta Alexandria/Arlington, Inc.

(A copy of the City Manager's memorandum dated January 13, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 1/24/12, and is incorporated as part of this record by reference.)

Mr. Baier, Director, Transportation and Environmental Services, made a presentation of the report and he, along with Mr. Johnson, Chief of Staff, responded to questions of City Council. He introduced Alan Cohen, with HDR and Brad Nowak with Williams Mullen.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried unanimously, City Council authorized the City Manager to execute the agreement subject to review and approval of the agreement by the City Attorney. The voting was as follows:

Krupicka	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	absent	

15. Oral Report on Base Realignment and Closure (BRAC-133) Project at Mark Center. **(Staff Presentation).**

Mr. Baier, Director, Transportation and Environmental Services, made a presentation of the report and responded to questions of City Council.

Councilman Krupicka asked Council to give formal authority for the Vice Mayor to testify on the right turn on Seminary Road on Council's behalf.

City Council received the report.

The following item was heard out of turn:

17. Consideration of Report on Results of Installation of Signs Discouraging Smoking in City Parks and Recommendations on Installation of Similar Signs in City Bus Shelters.

(A copy of the City Manager's memorandum dated January 17, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 1/24/12, and is incorporated as part of this record by reference.)

Dr. Haering, Director, Health Department, made a presentation of the report and responded to questions of City Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Krupicka and carried 5-1, City Council: 1. received the report; 2. authorized the Alexandria Health Department to work with the Department of Transportation and Environmental Services and Department of Parks, Recreation and Cultural Activities staff to continue installation of signs that discourage smoking in 122 City bus shelters and 86 City parks at this time. Staff recommends that the signs read (as approved previously): "For everyone's health, thank you for not smoking in our parks and playgrounds" and "For everyone's health, thank you for not smoking" for bus shelter signs; and 3. to encourage staff to use the remaining funds for temporary signage and the balance of the funds can be used for the permanent replacement signage that will be developed over the next year. The voting was as follows:

Pepper	"aye"	Donley	"aye"
Krupicka	"aye"	Fannon	"no"
Euille	"aye"	Hughes	"aye"
	Smedberg	absent	

16. Presentation of Report on City Real Property Values as of January 1, 2012. **(Staff Presentation).**

(A copy of the City Manager's memorandum dated January 19, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 1/24/12, and is incorporated as part of this record by reference.)

Mr. Jankowski, Director, Real Estate Assessments, along with Mr. Page, Deputy Director, made a presentation of the staff report and responded to questions of City Council.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously, City Council received the report. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	absent	

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Vice Mayor Donley spoke about Saturday's deliberation and approval of the waterfront, however, there were a number of elements in the public discourse which he found troubling. Opponents mischaracterized the plan, there was advertising which bordered on slander of public officials, there was testimony which characterized staff as trained seals and equated the decision to genocide, and there was a robo call or push poll which carried a racial bent. He said it was unfortunate that the group that was opposed to the plan used such tactics and distortions, and they had the effect of galvanizing the support of the plan from citizens and members of Council. He said it as disheartening that the efforts were led by a former elected official and by a person purportedly wanting to seek public office. He said he hoped in the future that the public debate and discourse would be conducted on a higher and more honorable level. Vice Mayor Donley congratulated the staff, particularly the Planning staff, for their patience and professionalism. The debate should have been on the merits of the proposal and on a much higher level than what they witnessed. He said it was a total distortion of a good hearted professional effort by staff.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

None.

ORAL REPORT FROM THE CITY MANAGER

None.

ORDINANCES AND RESOLUTIONS

18. Consideration of a Resolution Authorizing the Issuance and Sale of General Obligation Refunding Bonds. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated January 17, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 1/24/12, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council adopted the resolution to: 1. authorize the issuance and sale of the General Obligation Refunding Bonds; 2. approved the form and other details of such bonds; 3. authorized the City Manager and the Director of Finance to take all actions as shall be required in connection with the issuance, sale and delivery of such bonds; and 4. provide details with respect to the issuance of such bonds. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	absent	

The resolution reads as follows:

RESOLUTION NO. 2488

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, the City Council of the City of Alexandria, Virginia ("City") has determined that is advisable to authorize the issuance and sale of general obligation refunding bonds of the City to refund in advance of their maturities certain bonds previously issued by the City in order to achieve debt service savings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALEXANDRIA:

1. Authorization of Bonds; Refunding of Prior Bonds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation refunding bonds (the "Bonds") on the terms determined in the manner set forth in this Resolution. The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to refund, redeem, and/or defease certain outstanding bonds issued by the City (the "Refunded Bonds"). The specific bonds to be refunded shall be determined by the City Manager pursuant to the criteria set forth in this paragraph. The City Manager is authorized to determine the series, maturaties and amounts of the Refunded Bonds as such officer determines to be in the best interest of the City as long as the minimum savings achieved by the issuance of the Bonds is at least 3% of the principal amount of the Refunded Bonds on a net present value basis. The City Manager is authorized to enter into an escrow agreement providing for the deposit of proceeds of the Bonds and the refunding and redemption of the Refunded Bonds with such escrow agent as the City Manager may select.

2. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

3. Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Resolution and upon such other terms as may be

determined in the manner set forth in this Resolution. The Bonds shall be issued in one or more series, in fully registered form and shall be dated such date or dates as the City Manager may approve. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the City Manager may approve, provided that the final maturity of the Bonds is not later than one year after the final maturity of the Refunded Bonds and the aggregate principal amount of the Bonds is not more than the amount needed to pay principal of and premium, if any, and interest on the Refunded Bonds and to pay the cost of issuing the Bonds. The Bonds may be sold pursuant to a public or private placement and may be sold on a negotiated or competitive bid basis all as may be determined by the City Manager. The City Manager is authorized and directed to accept a bid or bids or a proposal for the purchase of the Bonds which such officer determines to be in the best interest of the City, subject to debt service savings criteria set forth in paragraph 1 above. The City Manager is authorized to enter into a bond purchase agreement with the purchaser of the Bonds if required in connection with the sale of the Bonds. The City Manager and the Chief Financial Officer, or either of them, is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City.

4. Form of Bonds. The Bonds shall be in substantially the form attached to this Resolution as Exhibit A, with such appropriate variations, omissions, and insertions as are permitted or required by this Resolution. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

5. Book-Entry-Only Form. If the Bonds are sold publicly, the Bonds shall be issued in book-entry-only form as set forth in this paragraph. The Bonds shall be issued in fully-registered form and registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds shall be registered to Cede & Co. Beneficial owners of the Bonds shall not receive physical delivery of the Bonds. Principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds shall be made by DTC and its participants (the "Participants"), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. The City shall notify DTC of any notice required to be given pursuant to this Resolution or the Bonds not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given. The City shall also comply with the agreements set forth in the City's Letter of Representations to DTC.

Replacement Bonds (the "Replacement Bonds") may be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

(i) DTC determines not to continue to act as securities depository for the Bonds; or

(ii) The City has advised DTC of its determination not to use DTC as a securities depository; or

(iii) The City has determined that it is in the best interest of the beneficial owners of the Bonds or the City not to continue the book-entry system of transfer.

Upon occurrence of the event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Resolution to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Resolution to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Resolution and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Resolution and the Bonds.

6. Appointment of Bond Registrar and Paying Agent. The City Manager is authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds and as long as the Bonds are in book-entry form, either the City Manager or the Chief Financial Officer may serve as Paying Agent.

The City Manager may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon given written notice to the owners of the Bonds specifying the name and location of the principal office of such registrar or paying agent.

7. Execution of Bonds. The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

8. CUSIP Numbers. If the Bonds are sold publicly, the Bonds shall have CUSIP identification numbers printed thereon. No such number shall constitute a part

of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

9. Registration, Transfer and Exchange. Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the City shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denominations in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the City and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this Resolution and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

10. Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

11. Non-Arbitrage Certificate and Tax Covenants. The City Manager and the Chief Financial Officer, or either of them, and such officers and agents of the City as either of them may designate are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended ("Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants, to be delivered simultaneously with the issuance and delivery of the Bonds and that the City shall comply with the other covenants and representations contained therein.

12. Disclosure Documents. The City Manager and the Chief Financial Officer, or either of them, and such officers and agents of the City as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may

be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Chief Financial Officer shall determine. The Chief Financial Officer is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

13. Further Actions. The City Manager and Chief Financial Officer and such officers and agents of the City as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

14. Effective Date; Applicable Law. In accordance with Section 15.2-2601 of the Code of Virginia of 1950, as amended, the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991. This Resolution shall take effect at the time of its enactment.

OTHER

19. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated January 17, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 1/24/12, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council received the updated Council schedule. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	absent	

* * * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Hughes, seconded by Vice Mayor Donley and carried unanimously, City Council adjourned the January 24, 2012 regular meeting at 9:23 p.m. The voting was as follows:

Hughes	"aye"	Fannon	"aye"
Donley	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	absent	

APPROVED BY:

_____

WILLIAM D. EUILLE MAYOR

ATTEST:

_____

Jacqueline M. Henderson
City Clerk and Clerk of Council